

PART 4

(E) OVERVIEW AND SCRUTINY PROCEDURE RULES

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OS1 APPOINTMENT OF OVERVIEW AND SCRUTINY COMMITTEES

- 1.1 The Council shall appoint the Overview and Scrutiny Committees set out in Article 6 to undertake the review and scrutiny function and shall appoint to them as it considers appropriate from time to time. Such Committees may appoint Sub-Committees. Such Overview and Scrutiny Sub-Committees may be appointed for a fixed period, on the expiry of which they shall cease to exist.
- 1.2 For the purposes of these Procedure Rules references to ‘the Executive’ means either all or such of those bodies or persons discharging executive functions as the Leader of the Council considers appropriate.
- 1.3 For the purposes of these Procedure Rules (except Rule OS5) references to “Overview and Scrutiny Committee” or “Committee” shall include references to an Overview and Scrutiny Sub-Committee.
- 1.4 The role of Statutory Scrutiny Officer to promote and manage the scrutiny function of the Council shall be the Scrutiny and Performance Manager (or any future equivalent post).
- 1.5 For the purposes of these Procedure Rules references to an Officer reporting to or attending at a meeting of an Overview and Scrutiny Committee shall include secondees to or employees of the Impact Partnership.

OS2 MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

- 2.1 All Councillors except Members of the Cabinet may be Members of Overview and Scrutiny Committees. However, no Member may be involved in scrutinising a matter in which he or she has been involved.
- 2.2 Where an Overview and Scrutiny Committee is scrutinising an executive decision made by a Township Committee or Sub-Committee, then any Member of that Township Committee or Sub-Committee serving on the said Overview and Scrutiny Committee shall not be involved in the scrutiny of that decision if they were present when the decision was made, shall declare his or her interest and leave the meeting, unless provided for in the Code of Conduct for Councillors and Voting Co-opted Members or a dispensation to be so involved is granted by the Standards Committee.
- 2.3 Chairmen and Vice-Chairmen of Township Committees may not be Chairmen and/or Vice-Chairmen of Overview and Scrutiny Committees.

OS3 VOTING EDUCATION CO-OPTED MEMBERS

The Policy Overview Committee and the Performance Scrutiny Committee shall include in their membership the following voting representatives:-

- (a) one Church of England diocese representative
- (b) one Roman Catholic diocese representative
- (c) two parent governor representatives and

- (d) one representative of other faiths or denominations

If the Committees deal with other matters, the representatives may stay in the meeting and speak but shall not vote on those other matters.

OS4 **MEETINGS OF OVERVIEW AND SCRUTINY COMMITTEES**

- 4.1 Overview and Scrutiny Committees shall determine the dates, times and places of their meetings.
- 4.2 In addition to ordinary meetings of each Overview and Scrutiny Committee, extraordinary meetings may be called by the Chair of the relevant Committee, any three Members of the Committee or the Chief Executive.

OS5 **QUORUM**

The quorum for an Overview and Scrutiny Committee shall be a third or five (whichever is the greater) and the quorum for an Overview and Scrutiny Sub-Committee shall be three.

OS6 **CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES**

In the absence of the person appointed by the Council to be Chairman, the Vice-Chairman shall preside, and in the absence of both of them, or where they so agree, a person appointed to do so from those present shall chair the meeting.

OS7 **WORK PROGRAMME**

The Policy Overview Committee shall be responsible for setting the overview and scrutiny Work Programme and reporting it to the Council.

OS8 **AGENDA ITEMS**

- (a) Any Member of an Overview and Scrutiny Committee or Sub-Committee may refer to that Committee or Sub-Committee any matter which is relevant to the functions of the Committee or Sub-Committee.
- (b) Any Member of the Authority may refer to any Overview and Scrutiny Committee or Sub-Committee any matter which is relevant to the functions of the Committee or Sub-Committee provided the Member has first had regard to any guidance issued by the Secretary of State.
- (c) Where a Member of the Authority who is not a Member of the Committee refers a matter to an Overview or Scrutiny Committee or Sub-Committee, the Committee or Sub-Committee if it decides not to exercise its powers in relation to the matter must inform the Member of this decision and the reasons for it.
- (d) Where the Committee or Sub-Committee makes a report or recommendations to the Authority or the Executive in relation to the

matter, a copy of the report or the recommendations must be provided to the Member.

OS9 REVIEW OF COUNCIL ACTIVITY

Overview and Scrutiny Committees shall also respond, as soon as the Work Programme permits, to requests from the Executive or the Council to review particular areas of Council activity. Where they do so, Overview and Scrutiny Committees shall report their findings and any recommendations to the Executive and for the Council (as appropriate).

OS10 POLICY REVIEW AND DEVELOPMENT

- (a) The role of the Policy Overview Committee in relation to the development of the Council's Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Overview and Scrutiny Committees may undertake studies and reviews and report their findings and any recommendations to the Executive and/or the Council (as appropriate) in relation to matters within their Terms of Reference.
- (c) The relevant Overview and Scrutiny Committee shall agree the terms of reference and draw up a Work Plan for the study or review setting out:-
 - (i) The timetable for the study or review
 - (ii) The methodology of the study or review
- (d) Overview and Scrutiny Committees may hold inquiries and investigate issues relating to policy review and development. They may appoint advisers to assist them and may ask witnesses to attend. They may pay reasonable fees and expenses to any adviser and witness.

OS11 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- (a) Once it has made findings and any recommendations, the Overview and Scrutiny Committee shall prepare a formal report and submit it to either the Executive or the Council as the Committee deems appropriate.
- (b) The Overview and Scrutiny Committee may publish the formal report (subject to the exclusion of any confidential information).
- (c) If an Overview and Scrutiny Committee cannot agree on one single final report to the Executive or for the Council (as appropriate), then up to one report from each minority Political Group may be prepared and submitted for consideration by the Executive or the Council (as appropriate) with the majority report.

- (d) The Overview and Scrutiny Committee must give the Executive or the Council formal Notice requiring them to consider the report or recommendations and respond to the report or recommendations within two months of the date of the Notice setting out what action, if any, the Authority or Executive intends to take.
- (e) The Executive or the Council (as appropriate) shall consider the report of the Overview and Scrutiny Committee at its next available meeting or as soon as practicable thereafter and shall respond within two months of receipt of the Notice. Where the report or recommendations have been published, the response shall also be published.

OS12 CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS

- (a) Overview and Scrutiny Committees shall have access to the Executive's Forward Plan and timetable for decisions and items for consultation. The Committees shall be able to respond in the course of the Executive's consultation process.

OS13 ATTENDANCE BY MEMBERS AND OFFICERS

- (a) The Performance Scrutiny Committee may review and scrutinise decisions made or actions taken in connection with the discharge of any Council function.
- (b) As well as reviewing documentation, in fulfilling the review and scrutiny role, the Scrutiny Committee may require any Member of the Executive, the Chief Executive and/or any appropriate senior Officer or his or her representative to attend before them to explain in relation to matters within their remit –
 - (i) Any particular decision or series of decisions
 - (ii) The extent to which actions taken implement Council policy, and/or
 - (iii) His or her performance

and it is the duty of those persons to attend if so required.

- (c) Where the Scrutiny Committee is reviewing and scrutinising an executive decision as a result of that decision having been called in, then one or both of the two calling-in Members shall attend the meeting in order to explain the reason(s) for call-in.
- (d) Where any Member or Officer is required to attend any Overview and Scrutiny Committee, the Chairman of that Committee shall inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least five working days notice of the meeting at which he or she is required to attend. The Notice of Attendance shall state the nature of the item on which he or she is required to report and whether any papers are required to be produced for the Committee. Where the information to be given to the Committee requires the

production of a written report, then the Member or Officer concerned shall be given sufficient notice to prepare that report.

- (e) Where the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance.
- (f) A petition may be submitted in accordance with the Council's Petition Scheme that requires a senior Officer (as defined in that Scheme) to give evidence at the Performance Scrutiny Committee in relation to their job. The Committee may decide that it is more appropriate for an alternative officer to give evidence. Questions to the senior Officer will be asked by Committee Members only, though suggested questions may be forwarded to the Chair of the Committee, via the Committee Services Section, up to three working days prior to the meeting.

OS14 **ATTENDANCE BY OTHERS**

An Overview and Scrutiny Committee may invite people other than those referred to in Rule OS13 to address them, discuss issues of local concern and/or answer questions. In particular, the Health Overview and Scrutiny Committee, in relation to obtaining information from local health organisations (including primary care bodies), may require the Chief Executives of such bodies to attending meetings twice a year.

OS15 **CALL-IN**

- (a) When any executive decision is made by the Cabinet, a Township Committee or Sub-Committee or any other Committee, the decision shall be published in a Notice of Executive Decisions and shall be available at the main offices of the Council normally within five working days of being made. When any executive decision is made by an individual Cabinet Member, the decision shall be published in a Notice of Executive Decisions and be made available with the report prepared in accordance with Executive Procedure Rule EP4 (subject to the provisions of Access to Information Procedure Rule AIPR11), in the main offices of the Council in accordance with a twice monthly schedule as determined by the Service Director for Legal and Democratic Services. All Members of the Council shall be sent a copy of the Notice of Executive Decisions within the same timescales by the person responsible for publishing the decisions.
- (b) The Notice of Executive Decisions shall bear the date on which it is published and shall specify that the decision(s) shall come into force, and may then be implemented, on the expiry of five working days after the publication of the decision(s) unless a valid Notice of Call-In is received.
- (c) During that period of five working days no less than two Members may give Notice of Call-In to the Chief Executive for the call-in of a decision for scrutiny. The Notice of Call-In shall state the date of the Notice of

Call-In, the decision making body or person, the date of the decision, the specific decision being called-in, and the reason(s) for call-in.

- (d) The Notice of Call-In shall cite one or more of the following reasons for the call-in, together with an explanation, namely:-
 - (i) The decision falls outside the Council's agreed Budget or Policy Framework
 - (ii) There is not enough information on which to make a decision
 - (iii) An alternative policy option or options has/have been insufficiently explored
 - (iv) The reason(s) for rejection of alternative policy options has/have been insufficiently explained
 - (v) Township Committees and/or other Council Bodies have a legitimate role to comment and have not had the opportunity to do so
 - (vi) The decision should have been included in the Forward Plan
 - (vii) Some other substantial reason approved by the Chief Executive
- (e) The Chief Executive shall then determine whether or not the Notice of Call-In is in order including, in the case of Township Committees, that the Notice of Call-In relates to a delegated executive decision, and if the Notice of Call-In is in order, shall call a meeting of the Performance Scrutiny Committee on such date as he or she may determine, where possible after consultation with the Chairman of the Committee. The decision making body or person shall be notified of the call-in.
- (f) At the conclusion of the five working day period specified in the Notice of Executive Decisions, the Chief Executive shall notify all Members of the Council either that no Notices of Call-In have been received and that the decisions as set out in the Notice of Executive Decisions shall come into immediate effect or that a decision(s) has/have been called-in for scrutiny and the reason(s) and explanation given.
- (g) Having considered the decision, the Scrutiny Committee may take no action, refer the decision back to the decision making body or, in the case of an individual Cabinet Member decision, to the Cabinet, setting out in writing the nature of its concerns or, if the Committee considers that the decision falls outside the Council's Budget and Policy Framework, refer the matter to the Council.
- (h) If, having considered the decision, the Scrutiny Committee takes no action and does not refer the matter back for reconsideration or does not refer the matter to the Council, the decision shall take effect at the conclusion of the Scrutiny Committee meeting. If it does not meet, the decision will become effective on the expiry of the period in which the meeting should have been held.
- (i) If referred back, the body shall then reconsider within such period as the Chief Executive may determine, amending the decision or not, before reaching a final decision and implementing it.

- (j) If the matter is referred to the Council, the Council shall then meet within such period as the Chief Executive may determine. If the Council does not object to the executive decision which has been made, then no further action is necessary and the decision shall be effective in accordance with Rule OS15(k). If the Council does object to an executive decision which is contrary to the Budget and Policy Framework, it may make a final decision and the decision shall be effective in accordance with Rule OS15(k). If the Council does object to an executive decision which is not contrary to the Budget and Policy Framework, it may refer the executive decision to the decision making body or person, together with its view on the decision. The decision making body shall then reconsider the matter at the next available meeting or as soon as possible thereafter, amending the decision or not before reaching a final decision and implementing it.
- (k) If the Council does not meet, or meets and does not object to an executive decision or makes a final decision, the decision shall become effective on the date of the Council meeting or expiry of the period in which the meeting should have been held.
- (l)
 - (i) Where a called-in decision relates to a decision of the Cabinet, the Leader, appropriate Portfolio Holder or other Member of the Cabinet so deputed, shall attend the meeting of the relevant Overview and Scrutiny Committee to report as required
 - (ii) Where a called-in decision relates to an executive decision made by a Committee of the Cabinet, Township Committee or Sub-Committee, the Chair of that Committee, Township Committee, Sub-Committee or other Member of that Committee, Township Committee or Sub-Committee so deputed, shall attend the meeting of the Scrutiny Committee to report as required.
 - (iii) Where a called-in decision relates to an executive decision made by an individual Cabinet Member, that Cabinet Member shall attend the meeting of the Scrutiny Committee to report as required.
 - (iv) Where a called-in decision relates to a Key Decision made by an Officer, the Officer shall attend the meeting of the Scrutiny Committee to report as required and, in relation to Rule OS15(l)(i), (ii) and (iii), Rule OS13 shall apply.

CALL-IN AND URGENCY

- (m) The Call-In procedure shall not apply where the executive decision is urgent. An executive decision shall be urgent if any delay likely to be caused by the call-in process shall seriously prejudice the Council's or the public's interests. The Notice of Executive Decisions shall state whether, in the opinion of the decision making body or person, the decision is an urgent one, and therefore not subject to call-in. The Chief Executive, or his or her nominee, after consulting the Chairman or Vice-Chairman of the Performance Scrutiny Committee or other relevant

Overview and Scrutiny Committee must agree that the decision proposed is reasonable in all the circumstances and that it should be dealt with as a matter of urgency. Executive decisions taken as a matter of urgency shall be reported to the next available meeting of the Council, together with the reasons for urgency.

OS16 BEST VALUE FUNDAMENTAL SERVICE REVIEWS

In relation to the exercise of powers to conduct best value fundamental service reviews, the Policy Overview Committee may set up a Best Value Member Review Group comprising the Chairman and Vice-Chairman, the relevant Portfolio Holder and two other Members. The Review Group shall canvas both the views of the Cabinet as to how the service is delivered on a Corporate basis and the views of the Township Committees as to how the service is delivered on a Township basis. These views shall be incorporated into a draft best value fundamental service report which shall be referred by the Review Group, via the Cabinet and Township Committees, to the Policy Overview Committee for consideration.

OS17 PERFORMANCE MANAGEMENT

The Performance Scrutiny Committee shall monitor the performance of all Council services, and may refer any concerns to the Executive.

OS18 PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- (a) Overview and Scrutiny Committees shall, subject to their respective roles, consider the following business:-
 - (i) Minutes of the last meeting
 - (ii) Declarations of interest (including any whipping declarations)
 - (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision
 - (iv) Responses of the Executive and/or the Council to reports of the Overview and Scrutiny Committee and
 - (v) The business otherwise set out in the agenda for the meeting
- (b) Consideration by the Performance Scrutiny Committees of decisions in relation to call-in of decisions shall relate only to the decision(s) which has /or been specifically referred to in the Notice of Call-in.

OS19 MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee shall consider the matter shall be made by the Chief Executive.

OS20 INTERPRETATION

The ruling of the Chief Executive, or his or her nominee, as to the interpretation of these Overview and Scrutiny Rules or as to the procedure

to be followed in relation to Overview and Scrutiny Committees if not otherwise stated in the Overview and Scrutiny Procedure Rules shall be final and not open to discussion.